

Before the Board of Zoning Adjustment, D. C.

Application No. 12180

Application No. 12180, of Irvin P. Greenbaum and Saul Schwartzbach as trustees, pursuant to Sub-section 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3105) to permit an office in the R-5-D District at the premises 1442 Rhode Island Avenue, N. W., Square 211, Lot 838.

HEARING DATE: November 17, 1976

DECISION DATE: November 30, 1976

FINDINGS OF FACT:

1. The subject premises is a three (3) story building with basement located in an R-5-D District.
2. Applicants purchased the premises as an investment in 1975, a period after the abutting properties to its right and left, had been developed.
3. The subject street consists of apartment houses, hotels and private residences.
4. Applicants seeks permission to use the first floor as an office adjunct to his real estate business and to use the second (2nd) and third (3rd) floors for general office purposes.
5. Mrs. Ida Fox, a resident of the neighborhood, opposed the application on the grounds that the subject property could be put to a residential use, the purpose for which the area is zoned.

CONCLUSIONS OF LAW:

Based on the record the Board finds that the evidence does not establish that the subject property could not be used for any of its zoned residential uses. The issue of exceptional and undue hardship has not been established. Applicant has failed to meet the burden of proof. Accordingly it is ORDERED that the application is DENIED.

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VOTE: 4-0 (Leonard L. McCants, Esq., Lilla Burt Cummings,
Esq., William F. McIntosh, William S. Harps).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: 4-21-77